

FILED

DEC 23 2024

PETER MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY AK DEP CLK

United States District Court  
Eastern District of North Carolina  
Western Division

Case No. 5:24-CT-3304-FZ

(To be filled out by Clerk's Office only)

SAMUEL MCCRAE

Inmate Number 0943795

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

(Pro Se Prisoner)

-against-

Jury Demand?

☐ Yes

☐ No

~~Assistant Unit Manager Kevin Freeman~~  
Assistant Unit Manager Kevin Freeman

Warren Carver

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

## I. COMPLAINT

*Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).*

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

## II. PLAINTIFF INFORMATION

SAMUEL MCCRAE  
Name

0943795  
Prisoner ID #

MARION  
Place of Detention

399 Old Glenwood Rd  
Institutional Address

MARION  
City

NC  
State

28752  
Zip Code

## III. PRISONER STATUS

*Indicate whether you are a prisoner or other confined person as follows:*

- ☐ Pretrial detainee    ☐ State    ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

#### IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Keven Freeman

Name

Assistant Unit Manager

Current Job Title

355 Old Glenwood Rd

Current Work Address

MARION

City

NC

State

28752

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2:

Carver

Name

WARDEN

Current Job Title

355 Old Glenwood Rd

Current Work Address

MARION

City

NC

State

28752

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

**Defendant(s) Continued**

Defendant 3:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

**V. STATEMENT OF CLAIM**

Place(s) of occurrence: MARION

Date(s) of occurrence: 11-20-24 & 12-13-24

State which of your federal constitutional or federal statutory rights have been violated:

First Amendment

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.*

**FACTS:**

Who  
did what to  
you?

On 11-20-24 a Islamic Book By the  
NAME OF Peshwar rights came to this Facility  
and the warden Carver Disapproved the  
Above Religious Book and used a Policy  
that has NO Relevance to the Book  
material. Policy in which he used was  
Chapter D Section. 0109(F) Instructions and  
Information which may be used to alter  
or defeat institutional systems of communication  
He did not Contact Chaplain to confirm the

Material to determine if it was approved or  
what the Material Book information Entitled  
a warden Expertise isn't Religious Matters  
which is obvious seen as he disapproved  
a Islamic Religious Book which (1) wasn't  
on BAN list, (2) The Chaplain himself  
was perplexed about such actions

What  
happened  
to you?

When did it  
happen to  
you?

Where did it  
happen to  
you?

and I would like him to be a testimony witness to confirm I spoke with him on 11-21-24 and informed him that warden disapproved Islamic Book he said what's the name of it I stated Reshwar might's he said: what they disapproved Reshwar might's they should have contacted me that is a good Book hold no threat I stated true the Book is filled with Quranic, hadith and a peaceful dialogue between muslim he said that's correct so I said I'm going to place grievance he said first allow me a chance to speak with warden to explain to him the Book content I said okay. For the record allow me to say prior to this I filed litigation against warden and been as though he didn't follow normal procedure regarding when religious material come in I feel he been bias and retaliating further I filed grievance about matter pertaining to my religious Book and it was rejected by Assistant Unit Manager Kevin Freeman with bias, a tactic to keep me from getting matter rectified by him rejecting my grievance which is my right he along with warden is in violation of my rights Kevin Freeman rejected my grievance saying my remedy was threatening in nature, offensive

What was  
your  
injury?

he Rejected my Grievance Misusing policy and as a threat to intimidate me from grieving matter he stated grievance Violates Disciplinary B24 Then stated: The grievance may Be Resubmitted for processing after objectionable language has been Eliminated I Find your Remedy to Be of a Offensive and threatening nature Here is what I said in Remedy: When my Book is immediately Returned to me if this matter isn't Rectified I will Be notifying courts

A threat is a statement saying you will Be harmed if you don't do what someone want you to do my Above statement Request for Remedy was in no way a threat it was Freedom of Speech and making the party aware if the matter wasn't Rectified I would notify courts when have that language been defined as threat or Offensive, the only way contacting Courts can Be Offensive to someone is if they are in violation of law his actions are clear to prevent me from Exercising my Rights and intimidation tactic was used his actions also is a harassment That's placed on me from Receiving my Religious Book

## VI. ADMINISTRATIVE PROCEDURES

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

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Is the grievance process completed?

☐ Yes ☒ No

If no, explain why not:

The Grievance was Rejected By Assistant Unit Manager  
In my Remedy I put when my Book is immediately  
Returned to me, IF this matter isn't rectified I will  
Notify Courts, He Rejected grievance saying that  
was offensive, threatening

## VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

My First Amendment is Violated By  
Both Defendants I would like the  
Courts to Have Each individual  
pay the amount of \$10,000 Each



### VIII. PRISONER'S LITIGATION HISTORY

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 3

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

MCCRAE V King

MCCRAE V RUSH

MCCRAE V South

Active

1 CASE Completed against Central  
Prison ~~was~~ concluded in my favor  
monetary gain, Institutional Changes

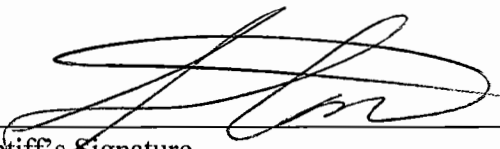
### IX. PLAINTIFF'S CERTIFICATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.**

*Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

12-13-24  
Dated

  
Plaintiff's Signature

SAMUEL MCCRAE  
Printed Name

0943795  
Prison Identification #

355 Old Glenwood MARION NC 28752  
Prison Address City State Zip Code